

DOE #1400  
P.O. Box 1198  
Sacramento, CA 95812  
Telephone: 530-539-4423

PLAINTIFF, PRO SE

**FILED**

**JAN 24 2025**

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA  
SAN JOSE OFFICE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DOE #1400,

Plaintiff,

vs.

Stanford Health Care, and  
DOES 1-50, inclusive

Defendants

)  
) CASE NO. 5:24-CV-09359-BLF  
)  
)  
) EX PARTE MOTION ON JUDGE'S  
) ORDER CONSTRUING PLAINTIFF'S  
) MOTION AND REQUEST REMAND

"ACTION BASED ON CODE OF CIVIL PROCEDURE SECTION 367.3"

STATEMENT OF FACTS

PLAINTIFF “DOE #1400” HEREBY DECLARES

1. In support of the Honorable Judge Freeman’s “ORDER CONSTRUING PLAINTIFF’S MOTION AND REQUESTING DEFENDANT’S RESPONSE”, there are other factors to consider in the sealing and/or dismissal of only the document and not the entire case;

2. The last name of the Plaintiff is still visible on the tab, and it appears to the general public, across the entire world via the “world wide web” – see Exhibit A.

3. The only way to cure the defect is to close the case entirely.

4. If the Defendant wishes to re-file their answer to the California Superior Court, and remove it again to the Federal Court, 64 days have lapsed since the Plaintiff filed *and had them personally served* all of the papers on the Defendant in person, which begs the question: Why have any statute of limitations at all?

5. Stanford Health Care, upon entering the “Notice of Removal” at 4:18 PM on December 23, 2024 into the PACER system, and dropped the “#1400” from the Plaintiff’s name and “And Does 1 – 50 inclusive” from the party list – there is NO case called Doe v. Stanford Health Care. Plaintiff hopes the case will be remanded back to the State.

6. The Santa Clara County Superior Court did not show any new case activity on December 23, and not until after January 3 (to the best recollection to the Plaintiff) when they saw the notice at the website regarding motions; now, in order to get a motion a party needs to wait 5 court days to make an appointment in order to file a motion. Court is not open on Fridays or holidays. Plaintiff tried to click the “press this button” (or something, Plaintiff is tech-disabled and not sure how they happened to find that button anyway) to make an appointment to file a motion and when the button clicked into a new page it showed that the case was transferred out and that no motion appointment could be made.

7. On Monday, January 6, Plaintiff tried to go to the Federal Courthouse but got hopelessly lost and did not arrive in time to see what had been filed. Stanford Health Care makes patients play “fetch” which is NOT “service of process”.

## STATEMENT OF FACTS

PLAINTIFF DOB 81400, HEREBY DECLARES

1. In support of the Honorable Judge's ORDER CONSTRUCTING

PLAINTIFF'S MOTION AND REQUESTING DEFENDANT'S RESPONSE, there are

other factors to consider in the sealing and/or disclosure of only the document and not the

entire case.

2. The last page of the Plaintiff's Exhibit 1, which is Exhibit A, and it appears to the

general public across the state, which would not be

3. The only way to cure the defect is to

4. If the Defendant wishes to go to the

and remove it again to the Federal Court, the

that it was previously covered all of the pages on

position. They have an issue of limitation.

5. Stanford Health Care, upon searching

6. On December 23, 2024, the Plaintiff's

7. The Plaintiff's Exhibit 1, which is Exhibit A, is a document that is

8. Stanford Health Care. Plaintiff hopes the case will be returned back to the state.

9. The State of California Superior Court did not show any new case activity on

10. December 23, and not until after January 3 (to the best recollection to the Plaintiff) when

11. they saw the notice on the website regarding motion now in order to get a motion a party

12. needs to wait 5 court days to make an appointment in order to file a motion. Court is not

13. open on Fridays or holidays. Plaintiff tried to click the "press this button" (or something

14. Plaintiff is tech-disabled and not sure how they appeared to find that button anyway) to

15. make an appointment to file a motion and when the button clicked into a new page it showed

16. that the case was transferred out and that no appointment could be made.

17. On Monday, January 6, Plaintiff tried to go to the Federal Court's but got

18. helplessly lost and did not have in time to see that had been filed. Stanford Health Care

19. makes patient pay "tech" which is NOT seen as of process.

EX PARTE MOTION ON JUDGE'S ORDER CONSTRUCTING PLAINTIFF'S MOTION  
AND REQUEST FOR REMAND

1           8. On Tuesday, January 7, Plaintiff got to the Federal Court in time, and retrieved  
2 the stamped filed copies of Defendant served. This was 12 days past the Notice.

3           9. Stanford Health Care brought this case to a Federal Court where there is nothing  
4 of import – the State of California matches every single ADA Statutes etc. with its own  
5 Statutes – this Court is being abused and the general public are paying for this and it's a  
6 complete waste of the time of the Federal Court system, and it only harms the Plaintiff more  
7 because they are unable to e-file, and the US mail is now an abysmal memory of what it used  
8 to be, so it's not effective to use for proper Service of Process.

9           10. Stanford's outside counsel DELIBERATELY put Plaintiff's true name on a  
10 document that will live forever – the fact that they put their first and last name and allowed  
11 the evidence of medical information that, together with the publishing of their name, is more  
12 than a HIPAA violation it is a serious violation of the Plaintiff's privacy; and violates every  
13 law regarding invasion of privacy, and they could lose their license for the offense.

14           11. The Plaintiff gave a copy of the Safe At Home certificate at the doctor's office,  
15 and they refused to upload it into the media tab. That certificate discusses Section 6207 of  
16 the Government Code, California Code of Regulations 22101.2. Service of Process:

17 (a) Service of process intended for Safe at Home Program Participants is accepted by the  
18 Safe at Home program during regular business hours, excluding state holidays, Monday-  
19 Friday, 8:00 a.m. to 5:00 p.m., Pacific Time. Service shall be made at 1500 11th Street, 6th  
20 Floor, Sacramento, California 95814.

21           12. Outside counsel, everyone in "their office" should have looked deeper into the  
22 California 367.3 Statute for guidance before violating Plaintiff's privacy

23 ([https://www.sos.ca.gov/administration/regulations/current-regulations/registries/safe-home-](https://www.sos.ca.gov/administration/regulations/current-regulations/registries/safe-home-confidential-address-program)  
24 confidential-address-program) in the way that they did. When they connected the dots of the  
25 medical information that was filed in the 37 page document they filed in your Court, and  
26 added first and last name, that is an irretrievable error. Plaintiff is not waiving anything.

27           11. The fabrications and the altered documents and Nurse impersonator and doctors  
28 aiding and abetting in Plaintiff's medical records should all be investigated and evidence of a



1 criminal conspiracy should be investigated (see Exhibit B), but no matter who Plaintiff  
2 contacts for help in these matters they all say to go to court. So that's what the Plaintiff did.

3 12. Plaintiff wishes not to conduct trial by ex parte, and sincerely apologizes for  
4 repeated ex parte motions, but these things may not be noted before the case is either sealed  
5 or dismissed or both:

6 13. Though the document of Alyson Cabrera is now sealed, they sent in another  
7 Allison to make the appearance for Alyson Cabrera and the name of Plaintiff is still evident.

8 14. On December 23, 2024, Michael Bruno filed for removal at 4:18 PM and  
9 subsequently, at 6:49 PM, was still allowed to enter other files into the State case, while the  
10 Plaintiff was not allowed to access the case to ask for a Motion on the issue. It is still that  
11 way in the Superior Court – Supervisor of Clerks informed the Plaintiff that no one is  
12 allowed to enter anything into the case because in effect, it does not exist. They also stated in  
13 their filing that “on or about December 23” they served the Plaintiff their answer. Defendant  
14 affirms that they received the service of Plaintiff on November 21, 2024, the statute of  
15 limitations on filing an answer would have begun on that day and run out on December 20,  
16 2024. Friday. The clock began running on November 21, 2024. It ran out on the 20<sup>th</sup> of  
17 December and they began filing late papers, the Court was closed, on December 23, 2024. It  
18 may have been filed on December 26, where the PACER log shows an Electronic Filing  
19 Error, at 9:35 AM.

20 15. At the time that Mr. Bruno was entering files, not only did he remove the  
21 #1400 from the case description, he also named the Plaintiff by first and last name – he also  
22 removed the “and Does 1- 50, inclusive” as the other parties who are part of the complaint  
23 that Mr. Bruno brought to the Federal Court.

24 16. Safe At Home has *MANY* “DOES”.

25 17. The case “Doe v Stanford Health Care” does not exist in recent State filings.

26 18. Technically, a document can't be put in a mailbox with a pleading and say in  
27 the past tense that they “served” it. They can't say they served it in a past tense unless the  
28 proof is served separately. There were deadlines to meet and the Defendants did not meet

1 them in a timely manner. The envelope contained the unfiled documents and the Certificate.

2 19. Another item being questioned by the Plaintiff is the service of the "NOTICE  
3 OF APPEARANCE BY ATTORNEY" in response to your Orders, filed on January 22,  
4 2025. The response was filed on 11:40 AM on 1/23/2025. The Certificate Of Service on the  
5 masthead says the server's address is in San Francisco. But it was executed on January 23,  
6 2025, at Antioch, California as well as the "DEFENDANT'S NON OPPOSITION" paper  
7 that was served at 11:45 AM on the same day, from San Francisco. Plaintiff, Pro Se, has no  
8 way to reach Marisol Franco. Service of process is a fundamental aspect of any law suit.

9 PRAYER FOR RELIEF

10 20. Plaintiff respectfully requests that the Court grants the second amendment  
11 pleading submitted on January 23, 2025;

12 21. Plaintiff requests that Defendant's action be reversed and sealed or so  
13 their true name is not visible on any tab anywhere at any computer anywhere in the world;

14 22. Plaintiff asks for the matter under 5:24-cv-09359 be dismissed With Prejudice;

15 23. That Plaintiff be awarded costs of suit;

16 24. That, after sealing and expunging the Federal aspect and allowing Plaintiff's  
17 second amendment be accepted that an exact "demand" for compensation was never intended  
18 by the Plaintiff but is willing to capitulate to Defendant's demands for a monetary sum in the  
19 interest of TIME, which the Plaintiff has not much remaining;

20 25. For such other and further relief as the Court deems just and proper.

21 26. Plaintiff asks for Remand to the State, after affixing a fresh confidentiality form  
22 so the case can be re-entered in the state with a proper, unadulterated confidentiality form.

23  
24 I, DOE #1400, declare under penalty of perjury under the laws of the State of California that  
25 the above is true and correct.

26  
27 January 24, 2025

28 Doe #1400  
DOE #1400, Pro Se

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## **EXHIBIT A**



Case 5:24-cv-09359 Document

1 of 37

Microsoft Word - Z:\5 - Notice of Removal (USDC)(96663860.1) -

Microsoft Word - Z:\5 - Notice of Removal (USDC)(96663860.1) -

gov.uscourts.cand.441798.1.1.pdf

PLD-C-001(3) Cause o...

Sample Draft Motion f...

A Guide to Summary J...

ting Started



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## **EXHIBIT B**

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STANFORD HOSPITAL - IF [REDACTED]  
 300 PASTEUR DR  
 Stanford CA 94305-2200 Visit date: 7/2/2022

Telephone Encounter by Cardano, Nestor, RN at 7/2/2022 5:19 PM (continued)

Electronically signed by Cardano, Nestor, RN at 7/2/2022 5:51 PM

Telephone Encounter by Pantig, Rogielyn at 7/3/2022 3:15 PM

Author: Pantig, Rogielyn	Service: —	Author Type: Technician
Filed: 7/3/2022 3:15 PM	Encounter Date: 7/3/2022	Note Type: Telephone Encounter
Status: Signed	Editor: Pantig, Rogielyn (Technician)	

Adherence call made by Clinical Advice Services No answer/unable to reach - "cannot complete call, please try again". No further follow up from Clinical Advice Services is required.

**BRANDON'S NOTE BELOW HAS ALL OF THE ELEMENTS THAT AN ENCOUNTER RECORD SHOULD CONTAIN -- DATES AND TIMES MATCH**

Electronically signed by Pantig, Rogielyn at 7/3/2022 3:15 PM

Telephone Encounter by Johnson, Brandon, RVT at 8/1/2022 7:47 PM

Author: Johnson, Brandon, RVT	Service: —	Author Type: Technologist
Filed: 8/1/2022 7:48 PM	Encounter Date: 8/1/2022	Note Type: Telephone Encounter
Status: Signed	Editor: Johnson, Brandon, RVT (Technologist)	

Patient has provided consent to discuss PHI over the phone: Yes

[REDACTED] contacted Clinical Advice services regarding patient was calling to see if she was calling the correct clinic. She will call in during normal hours.

Electronically signed by Johnson, Brandon, RVT at 8/1/2022 7:48 PM

Telephone Encounter by Massey, Nadine at 8/3/2022 11:27 AM **NOBODY CALLED ANYBODY**

Author: Massey, Nadine	Service: —	Author Type: — NO AUTHORITY
Filed: 8/3/2022 11:28 AM	Encounter Date: 8/3/2022	Note Type: Telephone Encounter
Status: Signed	Editor: Massey, Nadine	<b>WHO DID SHE CALL? NOT ME</b>

**On 8/2/2022, clinic manager, JV, received approval from Risk, SHC legal, and Director of Operations to send the letter in response to patient's request for Reasonable Accommodations regarding her disabilities. The letter sent via certified mail, and will be presented to the patient during a scheduled appointment with Dr. Tabaka on 8/4/2022. The Los Altos clinic will commit to the accommodations as outlined in the letter. JV (JULIE VARVEL) "RISK": THERESA KOLLMAN "SCH LEGAL" SARAH DI BOISE AND DIRECTOR OF OPERATIONS? ALL OF THE HEAVY HITTERS? THIS NOTE WAS NOT IN THE 11/2022 OR 12/2022 RECORDS REQUESTS**

Electronically signed by Massey, Nadine at 8/3/2022 11:28 AM

Clinic Support Note by Neal, Chrystal at 8/4/2022 11:00 AM

Author: Neal, Chrystal	Service: —	Author Type: —
Filed: 8/4/2022 12:31 PM	Encounter Date: 8/4/2022	Note Type: Clinic Support Note
Status: Signed	Editor: Neal, Chrystal	

Health Maintenance Due

Topic	Date Due
• HEPATITIS C SCREENING	Never done

Printed on 5/9/24 9:43 AM

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**AND THERE'S CHRYSTAL, WHO OUTSIDE COUNSEL SAYS DOES NOT EXIST**

**LINE 26 A**